



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435



Public Notice

APPLICATION NO.: ADS-200400360
EVALUATOR: Mr. Arel Simpson
PHONE NO.: (601) 631-5996
FAX NO.: (601) 631-5459
E-MAIL: regulatory@mvk02.usace.army.mil
DATE: May 3, 2004
EXPIRATION DATE: May 24, 2004

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Arkansas Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Robert Herndon III
14 Royal Gardens
San Antonio, Texas 78248

Location of Work: Section 23, T15S-R25W, latitude 33°25'50"N longitude 93°40'18"W, within the Red River drainage basin, Lafayette County, Lewisville, Arkansas.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit for mechanized land clearing and associated fill activities in 2.75 acres of jurisdictional wetlands in conjunction with the construction of a earthfill embankment dam to create a lake. The applicant's stated purpose for the project is to construct a recreational lake.

The proposed work would involve the excavation of approximately 18,000 cubic yards of silty clay material from on-site borrow areas to construct the earthfill embankment dam. These borrow areas would be located in non-wetland areas along the sides of the proposed project area. Approximately 9,000 of the 18,000 cubic yards of excavated material would be deposited within the jurisdictional wetlands. The remainder of 18,000 cubic yards of excavated material would be deposited in non-wetland areas to complete the earthfill embankment dam.

Approximately 0.25-acre wetlands cutover 4 years ago, would be cleared for the footprint of the earthfill embankment dam. The proposed dam would have approximately 800 feet length with 106 feet located within wetlands, 102 feet base width, 12 feet top width, 18 feet height, 3 to 1 front slope, and 2 to 1 back slope. The earthfill embankment dam would create approximately 9 acres of surface water with an average 6-foot-depth.

The lake would have 127 acres of watershed. The spillway elevation would be at 259 feet National Geodetic Vertical Datum (NGVD). The lake pool stage would be at 256 feet NGVD. The top of the dam would be at 264 feet NGVD. The lake would provide water for waterfowl and other wildlife and private recreational fishing.

Approximately 2.50 acres wetlands in the pool area would be cleared and inundated. Currently, a portion of the wetlands have been raked and piled, but not destumped. The proposed project would impact a total of 2.75 acres of jurisdictional wetlands.

The wetland vegetation is composed of red maple, soft rush, black gum, giant golden-rod, blackberry, black willow, halberd-leaf greenbrier, Alabama supple-jack, American hornbeam, slippery elm, eastern cottonwood, sweetgum, Pennsylvania smartweed, silky dogwood, small-spike false-nettle, brook-side alder, water oak, and other species.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and levee construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The Arkansas Department of Environmental Quality, Water Division has issued water quality certification for the proposed work. Thus, certifying that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project site would require a Phase I cultural resources survey and inventory. A Phase I survey is being scheduled to assure no adverse effects to any of the cultural or archaeological sites in the project area listed in or eligible for listing in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

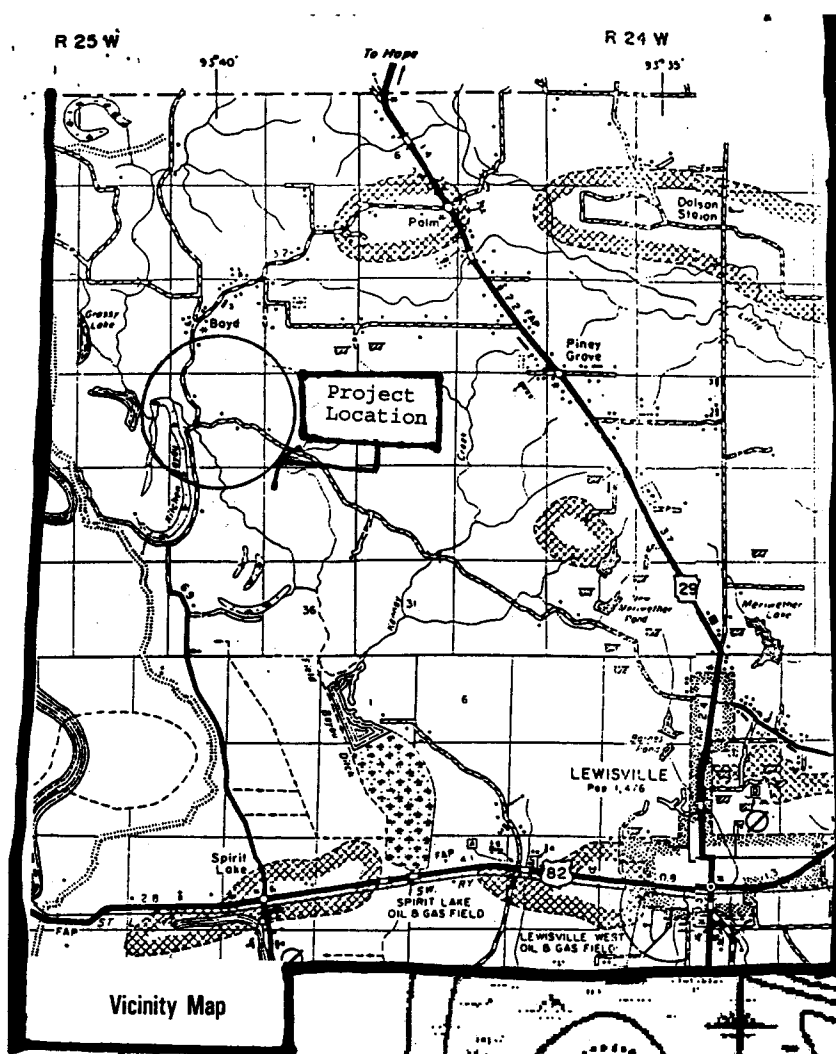
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.



W. Harold Lee
Team Leader
Evaluation Section



660 0 660 Feet

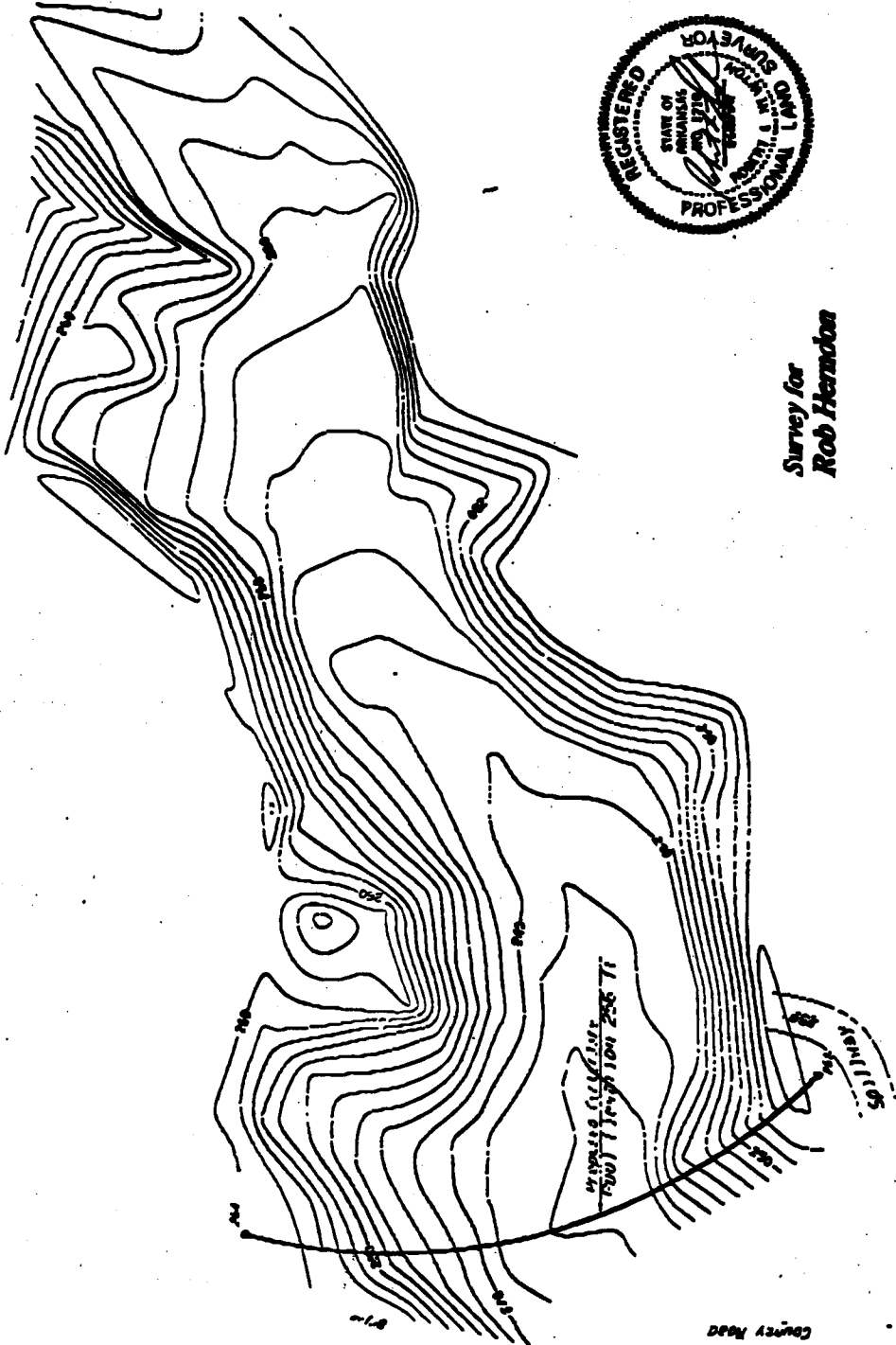
 Property Boundary

5

ADS-200400360

MR ROBERT HERRDON

Pt SE/4 NW/4
 Section 23, T-15-S, R-25-W
 Lafayette County, Arkansas



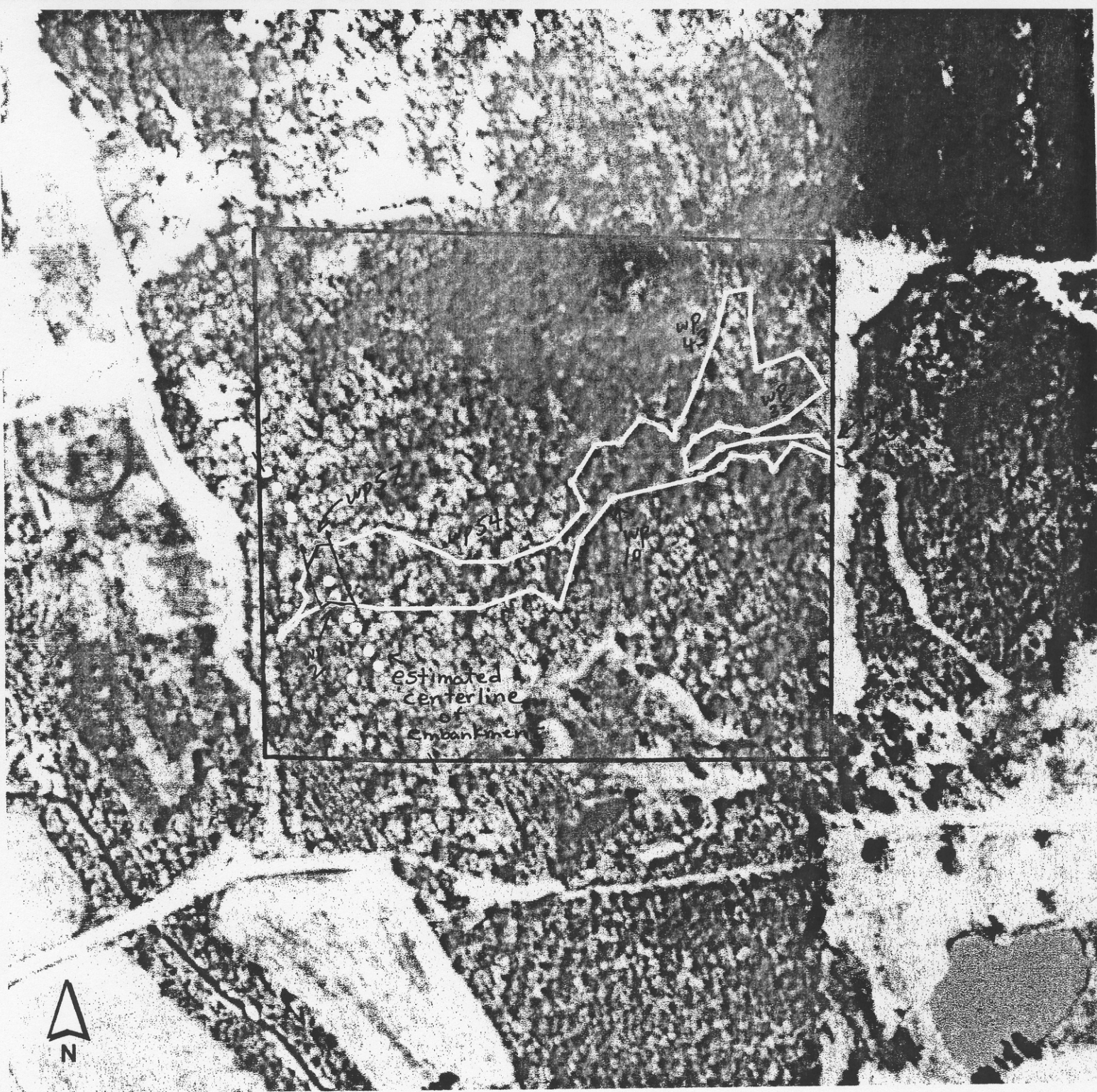
Survey for
 Rob Herrdon

Section 23, T-15-S, R-25-W, Lafayette County, Arkansas
 Survey for Rob Herrdon



ADS-200400360

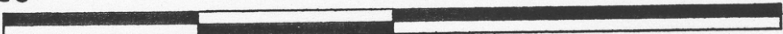
MR ROBERT HERRDON



-  Property Boundary
-  Wetland Boundary
-  Boundary Points
-  Centerline Points

J.B. Herndon Estate

660 0 660 Feet



~ 0.25 acres under footprint of dam
 ~ 2.5 acres under pool

ADS-200400360

MR ROBERT HERRDON